

REMARKS

In response to the Final Official Office Action dated June 13, 2003, Applicant has amended claims 1, 10 and 29 to explicitly recite that the "reference position indicative of a remote location of interest" is not a previously determined position of the mobile terminal. Support for this amendment is found in Applicant's Specification at p. 12, lines 11-14, identifying a "reference position" as, e.g., the central point of a private wireless telephone system. No new matter is added. Applicant believes that the claims presented by this amendment are in condition for allowance and therefore respectfully requests re-examination of this application.

The Examiner maintained the rejection of claims 1 and 10 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,085,090 to Yee et al. ("Yee"). The Examiner stated that Applicant's previous amendment – stipulating that the recited "reference position" was "indicative of a remote location of interest" – was insufficient to define over Yee since, under the broadest reasonable interpretation, the prior position determination of Yee could be considered a "remote location of interest." By the present amendments, Applicant has explicitly recited that the "reference position" of claims 1 and 10 is not a previously determined position of the mobile terminal. As amended, these claims define patentably over Yee, as do the claims depending therefrom.

The Examiner rejected claims 13, 23 and 34 under 35 U.S.C. § 102(e) as being anticipated by published U.S. Patent Application No. 2003/0036389 by Yen ("Yen"). Yen discloses a mobile terminal searching for a new control channel (DCCH) based on the distance (L) from its current location ($x_{current}$, $y_{current}$) to a previously determined

location (x_i, y_i) . p. 3, paragraphs 0025-0031. Yen does not disclose that the mobile terminal stores the geographic coordinates of a wireless system, and does not disclose searching for a control channel based on the distance from the mobile terminal to the wireless system. Rather, Yen discloses only that a search for a control channel is initiated based on the distance from the mobile terminal to a previous position of the mobile terminal. In other words, Yen initiates a search whenever the mobile terminal has moved a sufficient distance from its last position – in any direction. In contrast, the present invention computes the distance from the mobile terminal to the actual location of the desired wireless network, and initiates a search based on that specific distance.

Claim 13 recites “storing at least one reference position indicative of the location of said communications network in said mobile terminal” and “computing the distance of said current position of said mobile terminal from said reference position.” Yen discloses neither storing the position of a communications network in a mobile terminal nor computing the distance from the mobile terminal to the communications network. As it fails to teach each claimed limitation, Yen cannot anticipate claim 13. Similarly, claim 23 explicitly recites, “memory storing at least one reference position indicative of the location of a communications network,” and claim 34 recites, “determining the location of the mobile terminal with respect to a reference position associated with the radio communication system.” As Yen fails to teach a reference position that corresponds to a communications network – as opposed to a prior location of the mobile terminal – and initiating a search for a control channel based on the distance from the mobile terminal to the network, Yen cannot anticipate claims 13, 23 or 34, or any claims depending therefrom.

The Examiner rejected claim 29 under 35 U.S.C. § 103 as being unpatentable over Yen. Claim 29 is also amended herein to specify that the reference position is not a previously determined position of the mobile terminal. As Yen does not teach or suggest initiating a search for the control channel of a communications network based on any distance other than that between the mobile terminal's current position and a prior position, Yen cannot render claim 29 obvious, or any claims depending therefrom.

For the foregoing reasons, the present application is in condition for allowance and notice to such effect is respectfully requested. If, for some reason, the Examiner believes that the application is not in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss any outstanding issues that remain to be resolved.

Respectfully submitted,

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